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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: ST. KITTS AND NEVIS

1. The Committee considered the initial report of St. Kitts and Nevis (CRC/C/3/Add.51) at its 537th to 538th meetings (see CRC/C/SR.537-538), held on 20 May 1999, and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, but regrets that the written replies to its list of issues (CRC/C/Q/SKN/1) were not submitted in advance of the dialogue. While the report follows the general guidelines, the Committee regrets that its brevity, particularly in the area of "special protection measures", limits the full understanding of the situation of children within the State party. The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention complemented the information provided on the situation of the rights of children in the State party.

B. Positive aspects

3. The Committee notes the recent efforts undertaken by the State party in the field of law reform. In this regard, it takes note of the enactment of the Probation and Child Welfare Board Act (1994) which provides for the establishment of a Board to monitor the rights of all children; ensure the care, protection and maintenance of children within the family environment; and make provisions with respect to the fostering and adoption of children.

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* At the 557th meeting, held on 4 June 1999.

4. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the establishment of a school nutrition programme for children enrolled at the primary school level; the provision of school uniforms for children whose parents are not able to afford them; the efforts to ensure 100 per cent placement at the secondary level; and the recently established policy that allows for the readmission of teenage mothers into the regular school system.

5. The Committee notes the efforts of the State in the area of primary health-care services. In particular it notes the State party's achievement of 100 per cent immunization as well as relatively low malnutrition and infant and maternal mortality rates. The Committee also notes the introduction of programmes for free medical and dental care for all children of school age (up to 16 years).

6. The Committee welcomes the State party's 1996 initiative in becoming a member State of the International Labour Organization (ILO).

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that the vulnerability of the State party to natural disasters, most recently Hurricanes Luis and Marilyn in 1995 and George in 1998, has affected the situation of children and impeded the full implementation of the Convention. The Committee further notes that the limited availability of skilled human resources, compounded by the high rate of emigration, also adversely affects the full implementation of the Convention.

D. Subjects of concern and the Committee's recommendations

1. General measures of implementation

8. The Committee notes the recent efforts by the State party to undertake a review of existing legislation regarding children and the family. It is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. **The Committee recommends that the State party seek to ensure that its domestic legislation fully conforms with the principles and provisions of the Convention. The Committee also encourages the State party to consider the possibility of enacting a comprehensive children's rights code. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, UNICEF and the Office of the High Commissioner for Human Rights.**

9. The Committee notes that the State party has acceded to only two of the international human rights instruments, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. **The Committee encourages the State party to consider the possibility of acceding to the other major international human rights instruments as these would help to strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction.**

10. The Committee notes that a 12-member Probation and Child Welfare Board has been appointed with representatives from the public and private sectors of both islands of the State party and mandated with the implementation of the Convention. The Committee is concerned, however, that the Board is not yet fully operational. The Committee is also concerned that the State party has not yet elaborated a National Plan of Action for Children. The Committee also expresses concern that adequate efforts have not been made to establish an effective child rights monitoring system independent of the Probation and Child Welfare Board and the Ministry to which it is responsible. **The Committee recommends that further steps be taken by the State party to strengthen its coordinating efforts and ensure that the Probation and Child Welfare Board is fully operational. The Committee encourages the State party to consider the implementation of a National Plan of Action for Children that includes a rights-based, rather than an exclusively welfare-focused approach. The Committee also recommends that the State party seek to use a comprehensive approach to the implementation of the Convention by, inter alia, ensuring the introduction of adequate monitoring mechanisms to guarantee the promotion and protection of children's rights.**

11. The Committee is concerned at the lack of a data collection mechanism within the State party for the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. **The Committee recommends that the State party seek to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities, children living in poverty, children in the juvenile justice system, children of single-parent families, children born out of wedlock, sexually abused children and institutionalized children. It is suggested that the State party seek technical assistance from, inter alia, UNICEF.**

12. The Committee notes with concern the lack of involvement of NGOs in the elaboration of the State party's report and the generally limited participation of civil society in the promotion and implementation of the Convention. **The Committee recommends that the State party take the necessary measures to encourage and facilitate the participation of civil society as well as the wider population in the promotion and implementation of the Convention.**

13. The Committee also expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. **The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee further suggests that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a mechanism.**

14. The Committee notes the impact of the recent natural disasters which have had adverse effects on social investment within the State party. The Committee remains concerned that in light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of (...) available resources". **In light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.**

15. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention through programmes such as "Child Month", the Committee remains concerned that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. **The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of the administration of both islands and personnel of child-care institutions. The Committee encourages the State party to also seek measures to raise the awareness of the media and the public at large of the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.**

2. Definition of the child

16. The Committee expresses concern regarding the low legal age for criminal responsibility (8 years). The Committee expresses further concern that the Prevention of Cruelty and Protection of Juveniles Clause of the Juvenile Act does not provide special protection for children between the ages of 16 to 18 years, and by the absence in legislation of a legal age defining the attainment of majority. **The Committee recommends that the State party review its legislation, especially with respect to criminal responsibility, in order to bring it into full conformity with the provisions and principles of the Convention.**

3. General principles

17. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children. **It is the Committee's**

view that further efforts must be undertaken to ensure that the principles of the Convention, in particular the general principles, not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

18. While the Committee notes the efforts made by the Early Childhood Development Unit of the Ministry of Education and the Department for Community Development to encourage the participatory rights of children in all communities, it is concerned that traditional practices, culture and attitudes still limit the full implementation of article 12 of the Convention. **The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, schools, and the care and judicial systems.**

4. Civil rights and freedoms

19. The Committee is concerned about the potentially harmful effects of programmes available through cable television which is the preferred viewing option of the population. **The Committee recommends that the State party take measures, including parental education, to protect children from exposure to harmful information, including violence and pornography.**

20. The Committee remains gravely concerned that corporal punishment is still widely practised within the State party and that domestic legislation does not prohibit its use. **In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within school, the family, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.**

5. Family environment and alternative care

21. The Committee notes the large number of single-parent families and the impact on children. The Committee also expresses concern at the apparent lack of legal protection with respect to the rights, including maintenance and inheritance rights, of children born out of wedlock from "visiting" or common law relationships. The Committee expresses further concern regarding the financial and psychological impact of "visiting relationships" on children. The lack of sufficient support and counselling in the areas of parental guidance and responsibilities are also matters of concern. **The State party is encouraged to increase its efforts in developing family education and awareness through, inter alia, providing support, including training for parents, especially those in "visiting" and common law relationships, in parental guidance and joint parental responsibilities, in light of article 18 of the Convention. The Committee also recommends that the State party undertake a study on the impact (both financial and psychological) of "visiting relationships" on children. The Committee further recommends that the State party take all necessary measures, including those of a legal**

nature, to ensure that the rights of children born of "visiting" and common law relationships are protected. It is suggested that the State party seek technical assistance from, inter alia, UNICEF and WHO.

22. While noting the recent efforts of the State party to ensure that emigrating parents make arrangements for the maintenance of their children, the Committee remains concerned at the absence of bilateral agreements for reciprocal enforcement of maintenance orders. **The Committee recommends that efforts be made to put in place the necessary measures to ensure the recovery of maintenance for children from parents who emigrate.**

23. While the Committee notes a decline in the overall number of children deprived of a family environment, it is concerned that boys continue to be particularly vulnerable to placement in alternative and foster care. The Committee also expresses concern regarding the absence of an independent complaint mechanism for children in alternative care institutions as well as the lack of available trained personnel in this field. **It is recommended that the State party undertake a study to assess the situation of boys within the family environment and their susceptibility to placement in alternative and/or foster care. The Committee also recommends additional training, including in children's rights, for social and welfare workers as well as the establishment of an independent complaints mechanism for children in alternative care institutions.**

24. The Committee is concerned at the absence of legislation, policies and institutions to regulate intercountry adoption. The lack of monitoring with respect to domestic and intercountry adoptions is also a matter of concern. **In light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions. In this regard, the Committee further encourages the State party to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

25. The lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse, and the lack of appropriate financial and human resources remain matters of grave concern. The Committee is also concerned at the lack of a standardized approach to the reporting and management of child abuse, neglect and abandonment as well as the delineation of roles between the police, the Community Affairs Department, and health and education agencies. The Committee notes with concern the increasing number of children institutionalized as a result of abuse and neglect. **In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate policy measures and contribute to changing traditional attitudes. It also recommends that cases of domestic violence, ill-treatment and sexual abuse of children be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the physical and psychological recovery and social reintegration of victims in accordance with article 39 of the**

Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

6. Basic health and welfare

26. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including on accidents, violence, abortion, HIV/AIDS and STDs. The Committee is particularly concerned at the high incidence of teenage pregnancy and the situation of teenage mothers, especially in relation to their low attendance at antenatal clinics as well as their generally poor breastfeeding practices. The Committee is concerned that most of the current cases of infant mortality are related to teenage mothers. **The Committee recommends that the State party increase its efforts in promoting adolescent health policies and counselling services as well as strengthening reproductive health education, including the promotion of male acceptance of the use of contraceptives. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly care, counselling, and rehabilitation facilities for adolescents. The Committee also encourages the State party to develop comprehensive policies and programmes to reduce the incidence of infant mortality and promote proper breastfeeding and weaning practices among teenage mothers. In this connection, it is also recommended that the State party consider technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.**

27. The Committee expresses its concern at the absence of legal protection and the lack of adequate facilities and services for children with disabilities. The Committee is also concerned that insufficient efforts have been made by the State party to facilitate the inclusion of children with disabilities into the educational system and generally within society. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO.**

7. Education, leisure and cultural activities

28. While recognizing the efforts made by the State party in the area of education, the Committee remains concerned at the high drop-out rate for males in the upper grades of primary school, the poor reading ability of primary school males, the high incidence of truancy, lack of relevant learning material, insufficient numbers of trained and qualified teachers, and the tendency towards teaching methods that are almost exclusively exam oriented. The Committee is also concerned that the policy which allows teenage mothers to re-enter the educational system has not been equally implemented in both islands of the State party. **The Committee recommends that the State party review its educational programme with a view to improving its quality and relevance and ensuring that students receive an adequate mix of academic and life skills, including communication, decision-making and conflict-resolution skills. The Committee further recommends that the State party seek to implement additional measures to encourage children, especially boys, to stay in school, particularly during the period of compulsory education. In this regard, the Committee urges the State party to take all necessary measures to ensure the full implementation of its policy regarding the readmission of teenage mothers into the school system in all regions of its territory. The Committee encourages the State party to accelerate its implementation of the Caribbean Community Multi-agency Health and Family Life Education Project which facilitates the retraining of teachers as well as the development of appropriate curricula and public education campaigns. It is also recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.**

8. Special protection measures

29. In view of the high drop-out rate for males in the upper grades of primary school, the Committee is concerned about the lack of information and adequate data on the situation of child labour and economic exploitation within the State party. **The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly within the informal sectors. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour. The Committee also suggests that the State party consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment.**

30. The Committees notes the efforts of the State party at both the national and regional levels regarding drug demand reduction and narcotics control. However, the Committee remains concerned at the high incidence of drug and substance abuse among youth, the apparent lack of adequate legal provisions and the limited social and medical programmes and services available in this regard. **In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes dealing**

with child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF, WHO and the United Nations Division for Crime Prevention.

31. While the Committee notes that the State party has in place domestic legislation relating to juvenile justice, it is still concerned about:

(a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention, as well as other relevant United Nations standards;

(b) The length of time taken before the hearing of juvenile cases and the apparent lack of confidentiality accorded such cases;

(c) The holding of minors in adult detention facilities, the lack of adequate facilities for children in conflict with the law, and the limited number of trained personnel to work with children in this regard.

The Committee recommends that the State party:

(a) Take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including the right to privacy; and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all those professionals involved with the system of juvenile justice;

(d) Consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

32. While the Committee notes the establishment of a national committee to regulate the use of corporal punishment within the juvenile justice system, it remains gravely concerned that the Corporal Punishment Act (1967) continues to allow the corporal punishment of a male juvenile convicted of an offence and to empower the magistrate's court to order a juvenile convicted of an offence to be "whipped". **The Committee recommends that the State party take all necessary measures to prohibit the use of corporal punishment within the juvenile justice system, including the repeal of the Corporal Punishment Act (1967).**

33. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.